IN THE HIGH COURT OF JUDICATURE FOR RAJASTHAN AT JODHPUR

CIVIL WRIT No. 6734 of 2006

JAI KISHAN
V/S
RAM LAL

Mr. SS LADRECHA, for the appellant / petitioner

Date of Order : 5.1.2007

HON'BLE SHRI N P GUPTA,J.

ORDER

Heard learned counsel for the petitioner and perused the impugned order, the document may have been exhibited in view of Annexure-3.

Learned counsel for the petitioner relied upon the judgment of this Court in Kedar Singh Chauhan vs. Bhagwan Singh reported in AIR 2001 (Raj.) 125 and contended that the learned trial court has no jurisdiction to impound the document.

I have gone through the judgment, that judgment proceeds on consideration of Sections 35 and 36 and finds that once the document has been admitted in evidence and the parties have been allowed to examine and cross-examine the witness, in view of Section 36 the court is unjustified in going into the admissibility of the document and that the question of determination of amount payable on the document by the civil court can be subject to review or revision, but admissibility of such document on that ground cannot be gone into.

In my view, this judgment is of no assistance of the petitioner, inasmuch as, by the impugned order the learned trial court has impounded the document and has forwarded the document to the concerned authorities for determination of stamp duty of penalty.

I do not find any error in this part of the order. The petition is, therefore, dismissed summarily.

(N P GUPTA),J.

/ashwini/